

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

|                                  |   |                           |
|----------------------------------|---|---------------------------|
| <b>UNITED STATES OF AMERICA,</b> | ) | <b>CASE NO. 8:05CR83</b>  |
|                                  | ) |                           |
| <b>Plaintiff,</b>                | ) |                           |
|                                  | ) |                           |
| <b>vs.</b>                       | ) | <b>TENTATIVE FINDINGS</b> |
|                                  | ) |                           |
| <b>BONNIE S. TIMLICK,</b>        | ) |                           |
|                                  | ) |                           |
| <b>Defendant.</b>                | ) |                           |

The Court has received the Presentence Investigation Report ("PSR") and the Defendant's objection thereto (Filing No. 91). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these tentative findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

The Defendant objects to ¶¶ 38 and 41. More specifically, the Defendant does not recall the offense described in ¶ 38 which results in an additional 2 criminal history points being added for recency pursuant to U.S.S.G. § 4A1.1(d) in ¶ 41. Pursuant to the addendum to the PSR, it appears that supporting court documents are available. This matter will be heard at sentencing unless the objection is withdrawn at or prior to sentencing. The burden of proof by a preponderance of the evidence lies with the government.

IT IS ORDERED:

1. The Defendant's Objections to the Presentence Investigation Report (Filing No. 91) will be heard at sentencing;

2. Otherwise the Court's tentative findings are that the Presentence Investigation Report is correct in all respects;

3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 24<sup>th</sup> day of March, 2006.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge